

Remarks

Claims 1-27 were pending in this application. Claims 1 and 20 have been amended, claim 6 has been canceled herein without prejudice, and new claim 28 has been added. Reconsideration of this application is respectfully requested in light of the above amendments and the following remarks.

Allowable Subject Matter

Applicants appreciate the Examiner's indication that claims 6, 15, and 24 would be allowable if rewritten to overcome the rejections under 35 U.S.C. § 112 and to include all of the limitations of the base claim and any intervening claims.

Drawings

Replacement drawing sheet 7/12 has been attached hereto to correct a minor typographical error in which FIG. 8 was improperly identified as FIG. 9. No new matter has been entered.

Rejection of Claims 1-27 Under 35 U.S.C. § 112

Claims 1-27 have been rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. Specifically, the Examiner states that it is not clear how the recesses can receive and the latch members can engage the same projections. Applicants respectfully traverse this rejection, and assert that the specification clearly explains how the projections are received in the recesses and also engaged by the latch members (*see, for example, p. 10, line 20 - p. 11, line 26*) and that the drawings clearly show this feature (*see FIGS. 8 and 13*). Accordingly, Applicants respectfully request reconsideration and withdrawal of this rejection.

Rejection of Claims 1-2, 10-11, 13, and 20-21 Under 35 U.S.C. § 102(b) Over Lind

Claims 1-2, 10-11, 13, and 20-21 have been rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 3,824,933 issued to Lind ("Lind"). In response, independent claim 1 has been amended to incorporate the subject matter of allowable claim 6,

reciting “wherein engagement surfaces defined by the location of engagement of latch members of the first deck and projections of the second deck are not co-planar with engagement surfaces defined by the location of engagement of latch members of the second deck and projections of the first deck.” Therefore, claim 1, along with claims 2 and 10 depending therefrom, are believed to be patentably distinguishable over Lind, and reconsideration and withdrawal of the rejection of these claims is respectfully requested.

Claim 20 has been amended to recite “alternating projections and recesses disposed along a periphery of each mating area,” support for which can be found in the specification, for example, at p. 9, lines 5-6 and in FIGS. 1, 9-12, and 14. Lind does not disclose or suggest this feature of Applicants’ invention, disclosing only a single projection 36 and opening 32 centrally disposed within a bottom wall 30 of each locking lug 16 (*see* Lind, col., 2, lines 55-62; FIGS. 4 and 7). Accordingly, Applicants believe that claim 20 is patentably distinguishable over Lind, and respectfully requests reconsideration and withdrawal of the rejection of this claim, and dependent claim 21, under 35 U.S.C. § 102(b).

Turning now to claim 11, Applicants respectfully traverse the rejection of this claim under 35 U.S.C. § 102(b). Claim 11 recites that “the projections of the lower deck are arranged to be securely received by the recesses of the upper deck and the projections of the upper deck are arranged to be securely received by the recesses of the lower deck, resulting in a non-planar parting line between the upper and lower decks.” This feature of Applicants’ invention is neither disclosed nor suggested by Lind. In contrast, Lind’s parting line (the line joining locking lugs 16 of pallet halves 12 and 14) is clearly planar (*see* Lind, FIGS. 1 and 3). As such, claim 11 is believed to be patentably distinguishable over Lind, and reconsideration and withdrawal of the rejection of this claim, along with dependent claim 13, is respectfully requested.

**Rejection of Claims 3-5, 7-10, 14, 16-19, 22-23, and 25-27
Under 35 U.S.C. § 103(a) Over Lind, LeTrudet, and Apps**

Claims 3-5, 7-10, 14, 16-19, 22-23, and 25-27 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Lind in view of U.S. Patent No. 6,029,853 issued

to LeTrudet (“LeTrudet”) and U.S. Patent No. 6,006,677 issued to Apps et al. (“Apps”). Claims 3-5 and 7-10 depend from and contain all the limitations of claim 1, claims 14 and 16-18 depend from and contain all the limitations of claim 11, and claims 22-23 and 25-27 depend from and contain all the limitations of claim 20. For the reasons explained above, claims 1, 11, and 20 are believed to be patentably distinguishable over Lind, either alone or in combination with LeTrudet and Apps. Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection of these claims under 35 U.S.C. § 103(a).

Turning now to independent claim 19, Applicants respectfully traverse the rejection of this claim under 35 U.S.C. § 103(a). Claim 19 recites “engagement of the corresponding upper deck and lower deck mating areas causes the projections of the lower deck to be received by the recesses of the upper deck and the projections of the upper deck to be received by the recesses of the lower deck, resulting in a non-planar parting line between the upper and lower decks.” For the reasons described above with reference to claim 11, this feature is neither disclosed nor suggested by Lind. Applicants also assert that neither LeTrudet nor Apps disclose this feature of Applicants’ invention. With reference, for example, to FIG. 4 of LeTrudet and FIG. 1 of Apps, each assembled pallet clearly displays a planar parting line between the pallet decks. Therefore, Lind, LeTrudet, and Apps cannot be properly combined to achieve Applicants’ claimed invention. Applicants thus believe that claim 19 is patentably distinguishable over this combination, and reconsideration and withdrawal of this rejection is respectfully requested.

New claim

New claim 28 has been added to further define the subject matter of the invention. Claim 28 recites a pallet having an upper deck, a lower deck spaced from the upper deck, a plurality of alternating projections and recesses disposed along a periphery of each deck, wherein the projections of the upper deck are arranged to be received by the recesses of the lower deck and the projections of the lower deck are arranged to be received by the recesses of the upper deck, and a plurality of latch members extending from each deck adjacent

the recesses. For the reasons described above, especially with reference to claim 20, new claim 28 is believed to be patentably distinguishable over the cited art.

Conclusion

In summary, Applicants believe that the claims meet all formal and substantive requirements and that the case is in appropriate condition for allowance. Accordingly, such action is respectfully requested. If a telephone conference would expedite allowance of the case or resolve any further questions, such a call is invited at the Examiner's convenience.

Respectfully submitted,
JUSTIN M. SMYERS et al.

By Stephanie M. Mansfield
Stephanie M. Mansfield
Reg. No. 43,773
Attorney/Agent for Applicant

Date: June 26, 2003

BROOKS & KUSHMAN P.C.
1000 Town Center, 22nd Floor
Southfield, MI 48075
Phone: 248-358-4400
Fax: 248-358-3351

Attachment: Replacement Drawing Sheet